

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA

Regular Meeting - March 7, 2000 - 6:00 p.m.
Linda N. Gilstrap, Clerk to Council

M I N U T E S

All area newspapers, radio stations and television stations were informed of this meeting in compliance with guidelines set forth in the *Freedom of Information Act*.

P R E S E N T

G. Fred Tolly - District #1
Gracie S. Floyd - District #2
Larry E. Greer - District #3
Vice Chairman Clint Wright - District #4
Chairman J. Mike Holden - District #5
Joey Preston - Administrator
Tom Martin - County Attorney
Linda N. Gilstrap - Clerk to Council

The official meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, March 7, 2000 at 6:00 p.m.

Ms. Gracie Floyd gave the invocation and everyone stood and pledged allegiance to the flag.

On the motion of Mr. Wright, seconded by Mr. Greer, Council voted unanimously to approve the minutes from the February 15, 2000 meeting as mailed.

Public Comments: Ms. Annette Eptein from Country Place applauded Council for what they have done with the Future Land Use map. She also expressed concern with the area on Highway 81 and asked Council to consider exempting the portion in question so that there might be a restaurant in their neighborhood.

Page 2 - Minutes

March 7, 2000 - 6:00 p.m.

Ms. Patricia Kukalski of 2021 Cardinal Circle asked Council to consider changing the four properties classified as residential to commercial. Mr. Rufus Gleason from Craytonville read a prepared speech which stated the only legitimate reason for regulating private land is to ensure that negative spillover effects of land-use such as pollution or nuisance effects are prevented or mitigated. He gave five potential strategies to accomplish the goal. Council received as information. Mr. Carl Stegall of Highway 81 asked Council to reconsider the classification from residential to commercial. Mr. Tom McCabe of Silverleaf thanked Council for the Land Use ordinance for the residents of Anderson County to work with. Asked Council to leave the Land Use map as it is. Mr. Al Tepel thanked Council for the Democratic process that they have and asked Council to consider a restaurant in the highway 81 North area. Mr. Bob Aiken of Highway 81 North pleaded for Council to reconsider classification of his property from residential to commercial. Mr. Roy Jeffcoat of 2015 Cardinal Circle said his house faces the property in question classified as residential. He said if the property were zoned commercial it would destroy their residential neighborhood. The Cardinal tennis courts are located there and at times there is so much traffic the road is single lane. He made a suggestion on how to correct the problem. Council received as information.

Mr. Mark Cutts with the Starr Area Athletic Association presented a check in the amount of \$14,000 to go toward the Starr Area Athletic Complex which was raised in the last nine months through community fund raising events. He thanked Mr. Greer and County Council for making the complex a reality.

Mr. Jay Copeland stated that the Belton-Honea Path FFA was the second largest chapter in the state with 202 members. President Nathan Payne and Secretary Ben Woody were also present. The chapter participates in several contests such as soil judging, horse judging, dairy judging, livestock, forestry, agriculture mechanics, wildlife, public speaking and parliamentary procedure. Council heard from Derrick Williams, president of the Anderson FFA Chapter. He gave a brief summary of their chapter. James Pressley secretary at Pendleton High School also gave a brief summary of his chapter. Amanda McGee president from the FAA Chapter at Crescent High School gave a brief summary of her chapter in the Starr-Iva area. Mr. Greer stated that Council just saw a first rate value-education program

Page 3- Minutes

March 7, 2000 - 6:00 p.m.

That's been going on in South Carolina and the nation for over 50 years. Council and Mr. Greer thanked the group.

Mr. Michael Cunningham presented Mr. Tony Owens as Employee of the Month of January, 2000. Mr. Owens is an Inspector with the Road Maintenance Department. He was presented gifts to Mr. Owens for his achievement. Council thanked Mr. Owens for his outstanding performance to Anderson County.

On the motion of Mr. Tolly, seconded by Mr. Wright, Council voted four in favor and one abstention (Holden) to approve third and final reading of Ordinance #2000-006 - an ordinance amending Ordinance #99-003, the Anderson County Comprehensive Plan - 1999, as adopted April 20, 1999, by amending Land Use Figure 1, Projected Future Land Use, to include Hammond School Voting Precinct, Future Land Use.

Mr. Tom Martin presented third and final reading of Ordinance #2000-001 - an ordinance amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to adopt a zoning map in the Hammond School Voting Precinct. Mr. Tolly moved to approve on third reading and Ms. Floyd seconded. Mr. Greer asked that his prepared comments be included as a part of the official minutes. Those comments are attached and identified as EXHIBIT #1. His prepared comments were read to Council. Mr. Greer then moved to amend the zoning map for the Hammond precinct to reclassify the property located along Hwy 81 from R-20 to the classification shown on the map provided by Mr. Ricketson from the Planning Department. The motion died from a lack of a second. Mr. Greer stated that Council expedite the appeals process for these citizens who asked for a change in classification. This will offer those residents the same courtesy as offered to all of the residents in speeding up the process for zoning in the Hammond Precinct. Vote was four in favor and one abstention (Holden). Motion carried.

Ms. Floyd stated that she would like to consider Mr. Greer's proposal of speeding up the re-zoning variance. Mr. Greer moved to approve first reading by title only

Page 4 - Minutes

March 7, 2000 - 6:00 p.m.

of an ordinance to forgive the fee process for this particular precinct ordinance. Mr. Wright seconded the motion. Council discussed. Mr. Wright moved to table the motion to allow for time to get further information from the County Attorney. Ms. Floyd seconded. Vote was three in favor to table, one abstention (Holden), and one opposed (Greer). Motion to table carried. Mr. Wright asked Mr. Martin to get the information as quickly as possible. Mr. Greer stated that the Council offered the Hammond Precinct and Five Forks Precinct the courtesy of expediting their process in doing first reading in title only. If the County had approved this on an initial first reading it would have only expedited the process, and there would have been two additional readings and he feels that the motion to table was not in the best interest of what Council is trying to do.

Ms. Floyd moved that Council consider looking into possibility of expediting the appeals process and the possibility of waiving the fees associated with the appeals process for relief for the businesses that asked for reclassification on Highway 81. Mr. Tolly seconded. Vote was four in favor and one abstention (Holden). Motion carried.

On the motion of Mr. Tolly, seconded by Mr. Wright, Council voted unanimously to approve third and final reading of Ordinance #2000-009 - an ordinance authorizing the assignment and transfer to Isola Laminate Systems Corp. of that certain lease agreement between Anderson County, South Carolina, and Alliedsignal Laminate Systems, Inc. dated as of December 1, 1997, and certain property, other rights, and other matters related thereto; including the release of Alliedsignal Laminate Systems, Inc. from its obligations under the lease agreement, the assumption of those obligations by the assignee and the continuation of a fee in lieu of tax pertaining to such lease agreement.

Mr. Martin presented third and final reading of Ordinance #2000-010 - an ordinance amending ordinance #99-003, the Anderson County Comprehensive Plan—1999, as adopted April 20, 1999, by amending Land Use Figure 1, Projected Future Land Use, to include Planning Area 1, Future Land Use. A public hearing was held and Ms. Cindy Wilson spoke. She stated that she felt the public hearing on Monday, March 6 should not qualify since there was not adequate notice or

March 7, 2000 - 6:00 p.m.

time. She also stated that in a county ordinance the mobile home section was pulled prior to Council's consideration and she asked Council how this could have happened, and how the County's Land Use plans do not match the zoning ordinance. She asked Council to look at this further before further action is taken. Mr. Rufus Gleason also spoke during the public hearing. He said that during the Community Base (zoning meeting) meeting, people come in and make changes as they wished. He expressed a need to require a percentage of residents to be present to make these important changes at the community meeting. Mr. Larry Greer stated that he and Mr. Ricketson discussed the mobile home ordinance that Ms. Wilson referenced in her comments. He understands from discussions with Mr. Ricketson that the Planning Commission Not County Council removed the mobile home section of the zoning ordinance. The people in the Starr-Iva area take this map very serious and will come out to the meetings in his district. Mr. Wright also stated that the Mobile Home ordinance was voted down by Planning. Mr. Ricketson explained the process of how the mobile home section was deleted from the proposed ordinance. No further comments were heard; the public hearing was declared closed. Mr. Greer moved to delay vote on third reading until the next council meeting to consider input received tonight. Mr. Wright seconded and vote was unanimous.

Mr. Martin presented third and final reading of Ordinance #2000-011 - an ordinance authorizing the transfer and sale of certain Anderson County real property; authorizing the execution and delivery of a real property deed related to the same; and other matters related thereto. A public hearing was held; no comments were heard. On the motion of Mr. Greer, seconded by Mr. Floyd, Council voted unanimously to approve the ordinance on third reading as presented.

Mr. Martin presented second reading of Ordinance #2000-012 - an ordinance amending in certain limited particulars and readopting those provisions of the Anderson County Code of Ordinances pertaining to, and changing the name of, The Anderson County Chemical Emergency Response Team; and other matters relating thereto. A public hearing was held; no comments were received. On the motion of Mr. Tolly, seconded by Mr. Wright, Council voted unanimously to approve the ordinance on second reading.

Page 6 - Minutes

March 7, 2000 - 6:00 p.m.

Mr. Tolly moved to name the new hangar under construction at the Anderson Regional Airport in honor of Mr. Thomas E. Bates who is a past-chairman of the Airport Commission and is still extremely interested in the Airport. Mr. Greer seconded the motion and vote was unanimously.

Ms. Floyd moved to appropriate \$2,800 from District #2 Recreation Funds for the JBECO Community Center. Mr. Tolly seconded and vote was unanimous. This will be to help with a couple of projects at the center.

Ms. Floyd moved to appropriate \$25,000 from District #2 paving account to help complete the parking lot for the Belton Farmers Market and Art Center. Mr. Tolly seconded and vote was unanimous.

Mr. Greer moved to appropriate a maximum of \$2,500 from District #3 paving funds to do a traffic study for the Belton area. Mr. Wright seconded the motion and vote was unanimous.

Mr. Holden moved to appropriate \$13,000 for the Lakeside Middle School's Orchestra for a trip at Washington, DC. The money will come from District #5 Recreation Funds. Mr. Tolly seconded and vote was unanimous.

Mr. Holden moved that each Council member appropriate \$300.00 from their Recreation Account for the Big Brother-Big Sister Organization. Mr. Tolly seconded. Mr. Greer stated that his Recreation Funds were at zero so he would ask that his \$300 come from this paving account. Vote was unanimous.

Mr. Holden moved to appoint Mr. Tom Chapman, Superintendent of School District 2 to the Pendleton District Workforce Investment Board. Mr. Wright seconded. Council discussed. After discussion, Council determined that additional information was needed. Both motion and second were withdrawn. The item will be placed on the next agenda.

Mr. Tolly moved to replace Mr. Jim Gray Watson, who resigned from the Land Use Board of Appeals with Dr. Juan Brown. Mr. Greer seconded and vote was unanimous.

Mr. Preston presented the new District Road Paving list and the ACTC road list for Council's consideration. On the motion of Mr. Wright, seconded by Mr. Greer, Council voted unanimously to approve as presented.

ADMINISTRATOR'S REPORT:

(a) Letters of Appreciation:

1. Ms. Pam Garner, Ms. Laura Johnson, Ms. Becky Brock, - Introduction to Management & Supervision
2. Mr. Charles K. Sonefelt, Hazardous Materials for Medical personnel (IS-346)
3. Ms. Willie Mae Clinkscales - Basic 911 Telecommunications
4. Ms. Lisa H. Cook, Ms. Sharon L. Chitwood, Ms. Kelly R. Anderson, Ms. Bonnie Allison, Ms. Merrell Hinchman, - Basic Telecommunicator Training

(b) Letters of Appreciation:

1. For: Mr. Rocky Coalridge, Ms. Kim Cheslak, Ms. Julia Nichols, Ms. Bonnie Allison and other dispatchers involved
From: Chief Jimmy Smith from the Honea Path Fire Department
2. For: Mr. Jeff Ricketson From: Mr. John T. Carman, President Chamber of Commerce
3. For: Mr. Mike Freeman - Elected Vice President of County Assessors of South Carolina

(c) Minutes:

1. Public Works Safety Meeting - February 11, 2000
2. Public Works Safety Meeting - February 25, 2000
3. Anderson County Litter Task Meeting - February 9, 2000

(d) Reports:

1. Recreation Fund Account Report
2. District Paving Report
3. Inmate Litter Report January 31-February 4, 2000
4. Inmate Litter Report February 7 - February 11, 2000
5. Inmate Litter Report February 14 - February 18, 2000
6. Inmate Litter Report February 22 - February 25, 2000

Page 8 - Minutes

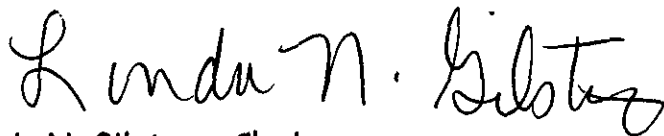
March 7, 2000 - 6:00 p.m.

- (e) Introduction of OMEGA Study Circle Concept - April 29, 2000
- (f) Five Forks Precinct Petition Certified
- (g) Anderson County Emergency Communications Advisory Group
- (h) Sports Complex Events
- (i) Planning Commission's Recommendations
- (j) Resolution & history for legislation to be introduced for collection of delinquent automobile taxes - Ms. Nancy Mackey
- (k) Department of Revenue Memo concerning Automobile Values/Articles
- (l) Anderson County Census 2000 Committee Update
- (m) Upcoming Training

Mr. Tolly commended Mr. James McAdams for his outstanding hard work with the County. He also commended Mr. Jeff Ricketson for an outstanding job.

There being no further business, Council adjourned at 8:00 P.M.

Respectfully submitted,



Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL

Attachement: EXHIBIT #1 (6 PAGES)

MR. CHAIRMAN I HAVE GIVEN THE COUNCIL CLERK A COPY OF MY COMMENTS AND I WISH FROM THEM TO BE PLACED IN THE OFFICIAL MINUTES OF THIS MEETING. I HAVE ALSO PREPARED COPIES FOR MEMBERS OF COUNCIL.

AT THE COUNCIL MEETING ON FEBRUARY 15, MY ACTIONS WERE DICTATED BY MY SINCERE CONCERN FOR THE ISSUE OF ZONING THE HAMMOND PRECINCT. THERE WERE TWO POINTS OF VIEW ON THIS ISSUE AND I MADE AN HONEST EFFORT TO CONSIDER BOTH SIDES OF THE ISSUE. MY ACTIONS WERE NOT A RESULT OF MY COMMITMENT TO ANY PARTICULAR POINT OF VIEW OR ANYONE'S PERSONAL FINANCIAL POSITION. MY ACTIONS WERE IN AN EFFORT TO DO WHAT MY CONSCIENCE INDICATED WAS THE CORRECT COURSE OF ACTION.

ON JANUARY 3, 1999 I TOOK THE FOLLOWING OATH:

"I DO SOLEMNLY SWEAR THAT I AM DULY QUALIFIED ACCORDING TO THE CONSTITUTION OF THIS STATE TO EXERCISE THE DUTIES OF THE OFFICE TO WHICH I HAVE BEEN ELECTED, AND THAT I WILL PERFORM THE DUTIES THEREOF TO THE BEST OF MY ABILITY, DISCHARGE THE DUTIES THEREOF, AND PRESERVE, PROTECT AND DEFEND THE CONSTITUTION OF THIS STATE AND THE UNITED STATES, SO HELP ME GOD.

THIS IS A SOLEMN OATH THAT PLEDGES THE INTEGRITY AND HONESTY OF THE PERSON TAKING THE OATH. IN PLEDGING TO PRESERVE PROTECT AND DEFEND THE STATE AND UNITED STATES CONSTITUTION, I BELIEVE THAT I PLEDGED TO APPLY THE PRINCIPLES CONTAINED IN THOSE DOCUMENTS TO DECISIONS THAT I MAKE IN VOTING ON MATTERS BEFORE COUNCIL. IT IS ALSO MY BELIEF THAT THE MATTER OF ZONING AND LAND USE THAT WE HAVE BEEN CONSIDERING FOR THE LAST SEVERAL WEEKS ARE AFFECTED BY ONES VIEW OF THE CONSTITUTION AND HOW IT APPLIES TO THIS MATTER.

THE FUNCTION OF A DEMOCRATIC GOVERNMENT IS TO PROVIDE FOR THE WILL OF THE MAJORITY WHILE AT THE SAME TIME PROTECTING THE RIGHTS OF THE INDIVIDUAL. JAMES MADISON, 4th PRESIDENT OF THE UNITED STATES, WROTE "THE PRESCRIPTIONS IN FAVOR OF LIBERTY OUGHT TO BE LEVELED AGAINST THAT QUARTER WHERE THE GREATEST DANGER LIES, NAMELY THAT WHICH POSSESSES THE HIGHEST PREROGATIVE OF POWER. BUT THIS IS NOT FOUND IN EITHER THE EXECUTIVE OR LEGISLATIVE DEPARTMENTS OF GOVERNMENT, BUT IN THE BODY OF THE PEOPLE, OPERATING BY THE MAJORITY AGAINST THE MINORITY."

I INTERPRET THIS STATEMENT BY PRESIDENT MADISON AS MEANING THAT GOVERNMENT SHOULD BE CAREFUL TO PROTECT THE RIGHTS OF THE INDIVIDUAL AGAINST THE WILL OF THE MAJORITY. I TOO BELIEVE THAT ONE OF THE FUNCTIONS OF A RESPONSIBLE GOVERNMENT IS TO PROTECT THE RIGHTS OF THE INDIVIDUAL.

SINCE MY FIRST COUNCIL MEETING I HAVE USED TWO VERSES FROM THE BIBLE TO GUIDE ME IN MY SERVICE ON COUNCIL. THESE VERSES ARE FOUND IN FIRST THESSALONIANS, CHAPTER 5 VERSES 21 AND 22.

VERSE 21 --- PROVE ALL THINGS AND HOLD TO THAT WHICH IS GOOD.

VERSE 22 --- ABSTAIN FROM ALL APPEARANCE OF EVIL

I WILL REFER TO THESE TWO VERSES AS I FINISH MY COMMENTS ON THIS ISSUE.

ZONING AND THE RIGHTS OF THE INDIVIDUAL

THE QUESTION OF ZONING IS: DO THE RIGHTS OF THE MAJORITY OUTWEIGH THE RIGHTS OF THE INDIVIDUAL?

THERE ARE THOSE WHO SAY THAT THEY SHOULD HAVE THE RIGHT TO PROTECT THEIR PROPERTY AND THEIR QUALITY OF LIFE FROM WHAT AN ADJACENT LANDOWNER DOES ON HIS LAND.

THERE ARE ALSO THOSE WHO SAY THAT THIS IS MY PROPERTY, I HAVE A RIGHT TO DO WITH IT AS I PLEASE.

THIS IS A DILEMMA IN WHICH BOTH POINTS OF VIEW HAVE MERIT.

THE QUESTION THAT WE MUST RESOLVE IN ESTABLISHING ZONING IS HOW DO WE PROVIDE A TOOL THAT A COMMUNITY MAY USE TO PROTECT THEIR PROPERTY VALUES AND QUALITY OF LIFE WITHOUT INFRINGING ON THE INDIVIDUALS RIGHT TO USE HIS PROPERTY AS HE CHOOSES.

THE FIFTH AMENDMENT TO THE BILL OF RIGHTS OF THE U.S. CONSTITUTION STATES "NOR BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY, WITHOUT DUE PROCESS OF LAW, NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE WITHOUT JUST COMPENSATION."

IS ZONING WHICH RESTRICTS THE USE OF A PIECE OF PROPERTY TO THE POINT THAT IT DECREASES THE VALUE OF THE PROPERTY A FORM OF DEPRIVING A PERSON OF THEIR PROPERTY FOR PUBLIC USE?

IT IS MY OPINION THAT TO IMPLEMENT ZONING ON PROPERTY THAT HAS NEVER BEEN ZONED, THEREFORE PREVENTING THE PROPERTY OWNER FROM PUTTING HIS PROPERTY TO THE USE FOR WHICH HE HAD INTENDED IS A FORM OF DEPRIVING SOMEONE OF THEIR PROPERTY. IT COULD ALSO BE CONSIDERED AS TAKING PRIVATE PROPERTY FOR PUBLIC USE WHEN ZONING RESTRICTS THE USE TO WHICH A PIECE OF PROPERTY COULD BE PUT TO THE POINT THE VALUE

OF THE PROPERTY IS REDUCED. IN THIS CASE THE PUBLIC HAS TAKEN PARTIAL VALUE OF THE PROPERTY FROM THE OWNER.

ONE MIGHT ARGUE THAT THE ZONING ORDINANCE NOW IN PLACE PROVIDES DUE PROCESS OF LAW. IT IS MY OPINION THAT THE ZONING ORDINANCE NOW IN PLACE DOES PROVIDE DUE PROCESS OF LAW PROVIDED THAT WE FOLLOW THE PROCESS. WHEN THE ZONING ORDINANCE WAS WRITTEN THE MAP THAT WAS TO ACCOMPANY THE REFERENDUM TO EITHER APPROVE OR DISAPPROVE ZONING FOR A PRECINT WAS TO BE A GUIDE AS TO HOW THE PRECINT WAS TO BE ZONED. IF THE REFERENDUM PASSED THEN THE ZONING MAP FOR THE PRECINT WOULD BE REFINED DURING THE ORDINANCE PROCESS. THIS WOULD GIVE INDIVIDUAL PROPERTY OWNERS THE OPPORTUNITY TO APPEAL THE CLASSIFICATION OF THEIR PROPERTY AS THE ORDINANCE PROCESS PROCEEDED. THE FACT THAT WE HELD FIRST AND SECOND READING ON THE ORDINANCE BEFORE THE VOTE WAS TAKEN ON THE REFERENDUM AND PLACED MORATORIUM ON PERMITS FOR THE PRECINT INDICATES THAT WE HAVE EFFECTIVELY CIRCUMVENTED THE ORDINANCE PROCESS. IT IS MY BELIEF THAT WE SHOULD NOT HAVE CONSIDERED THE ORDINANCE PROCESS UNTIL THE REFERENDUM HAD PASSED. IF THE REFERENDUM PASSES WE SHOULD AT THAT TIME ALLOW INDIVIDUAL PROPERTY OWNERS TO PETITION COUNCIL DURING THE ORDINANCE PROCESS CONCERNING INDIVIDUAL PROPERTIES.

THOMAS JEFFERSON WROTE IN A LETTER TO HIS NEPHEW PETER CARR, THAT MAN WAS ENDOWED WITH A SENSE OF RIGHT AND WRONG. THIS SENSE IS AS MUCH A PART OF HIS NATURE, AS THE SENSE OF HEARING, SEEING, FEELING; IT IS THE TRUE FOUNDATION OF MORALITY. THE MORAL SENSE OR CONSCIENCE, IS AS MUCH A PART OF MAN AS HIS LEG OR ARM.

I BELIEVE LIKE THOMAS JEFFERSON, THAT WE ARE ENDOWED WITH A SENSE OF RIGHT AND WRONG. IF THE ZONING ORDINANCE THAT WE NOW HAVE IN PLACE DOES INDEED PROVIDE FOR DUE PROCESS OF LAW IN DEPRIVING A PERSON OF THE USE OF THEIR PROPERTY, THEN MY NEXT QUESTION IS, BASED ON THE REMAINDER OF THE FIFTH AMENDMENT QUOTED, WHO IS GOING TO PROVIDE THE JUST COMPENSATION FOR ANY REDUCTION OF VALUE ASSOCIATED WITH TAKING OF PROPERTY THROUGH ZONING RESTRICTIONS WHICH DEPRIVES THE OWNER OF HIS INTENDED USE?

MY SENSE OF RIGHT AND WRONG TELLS ME THAT IT IS WRONG TO CHANGE THE RULES OF USE OF PROPERTY AFTER A PERSON HAS INVESTED HIS TIME AND MONEY IN THE PROPERTY WITHOUT ALLOWING THAT PERSON AN OPPORTUNITY TO DETERMINE THE USE TO WHICH THE PROPERTY IS TO BE PLACED. IT IS MY BELIEF THAT A PERSON SHOULD BE ALLOWED TO UTILIZE EVERY OPPORTUNITY TO APPEAL THE ZONING CLASSIFICATION OF HIS PROPERTY THAT THE PROCESS OFFERS. IT IS FOR THIS REASON THAT I BELIEVE THAT WE

SHOULD CONSIDER REQUEST FOR ZONING RECLASSIFICATION ON THIRD READING.

IN SECTION 5:3 OF THE ZONING ORDINANCE FOR R-20 IT STATES THAT THESE RESIDENTIAL DISTRICTS ARE ESTABLISHED AS AREAS IN WHICH THE PRINCIPAL USE OF THE LAND IS FOR SINGLE FAMILY DWELLINGS. THERE ARE AREAS ON 81 NORTH THAT ARE CURRENTLY PRINCIPALLY COMMERCIAL NOW THAT WOULD BE ZONED AS RESIDENTIAL UNDER THE HAMMOND ZONING MAP. I DO NOT BELIEVE THAT THIS IS IN KEEPING WITH THE INTENT OF THE ORDINANCE.

THE ZONING ORDINANCE ALSO PROVIDES FOR THREE DIFFERENT TYPES OF COMMERCIAL DISTRICTS, A NEIGHBORHOOD COMMERCIAL DISTRICT, A RURAL COMMERCIAL DISTRICT AND A COMMERCIAL DISTRICT. THE NEIGHBORHOOD COMMERCIAL DISTRICT PROVIDES FOR COMMERCIAL DEVELOPMENT THAT IS AESTHETICALLY COMPATIBLE WITH NEIGHBORING PROPERTIES AND THE RURAL COMMERCIAL DISTRICT PROVIDES FOR COMMERCIAL ACTIVITY FOR THE CONVENIENCE OF LOCAL RESIDENTS IN RURAL AREAS. THE POINT OF THIS IS THAT THE ZONING ORDINANCE DOES PROVIDE FOR A COMPATIBLE BLENDING OF COMMERCIAL AND RESIDENTIAL USES.

UPSTATE FOREVER, AN ORGANIZATION PROMOTING SENSIBLE GROWTH IN THE UPSTATE, FOUNDED BY BRAD WYCHE, RECENTLY ASKED FOUR MEMBERS OF THE FACULTY AT CLEMSON'S DEPARTMENT OF CITY AND REGIONAL PLANNING TO PROVIDE SOME ANSWERS TO QUESTIONS ABOUT GROWTH AND LAND USE. ONE QUESTION ADDRESSED WAS: HOW CAN WE ENCOURAGE GROWTH WHERE WE WANT IT AND DISCOURAGE IT WHERE WE DON'T? PRACTICALLY NOT THEORETICALLY. IN ANSWERING THE QUESTION THE FOLLOWING RESPONSE WAS MADE: THE REAL ISSUE IN DEALING WITH GROWTH IS HOW TO BALANCE COMMUNITY INTEREST(CUMULATIVE EFFECT ON THE QUALITY OF LIFE OF THE COMMUNITY) WITH PRIVATE INTEREST(HIGHEST RETURN ON ONE'S PROPERTY.) TWO POINTS WERE MADE:

1. NEITHER INTEREST CAN BE IGNORED AND
2. ELECTED BODIES MUST DETERMINE WHERE TRADEOFF SHOULD BE MADE. WE ARE THE ELECTED BODY AND IT IS OUR RESPONSIBILITY TO ADDRESS THIS TRADEOFF ISSUE.

ANOTHER PROBLEM IS DEVELOPING WITH THE IMPLEMENTATION OF THE ZONING ORDINANCE PROCESS. WE ARE CREATING AN UNDUE BURDEN ON THE REGISTRATION AND ELECTIONS COMMISSION AND OFFICE. A LETTER RECEIVED FROM THE ELECTION COMMISSION STATES "HOWEVER, ANY ELECTION IN GENERAL IS COVERED BY STATE AND FEDERAL ELECTION LAWS, AND TO COMPLETELY COMPLY WITH THOSE LAWS, NO ELECTION SHOULD BE SCHEDULED LESS THAN NINETY DAYS FROM THE DATE THAT THE PETITION IS CERTIFIED." IN THE LETTER THE ELECTION COMMISSION RECOMMENDS THAT COUNTY COUNCIL SET PREDETERMINED DATES, TWICE A YEAR, TO HANDLE

FUTURE ZONING REFERENDUMS AND REQUIRE THAT PETITIONS BE CERTIFIED 90 DAYS PRIOR TO THOSE ELECTION DATES.

FOR THE REASONS I HAVE NOTED: I BELIEVE THAT WE SHOULD TONIGHT CONSIDER, DURING THIRD READING OF THE ORDINANCE ON ZONING THE HAMMOND PRECINCT CHANGES, TO ACCOMMODATE THOSE PROPERTY OWNERS WHO HAVE APPEARED BEFORE COUNCIL DURING THE PUBLIC HEARING AND REQUESTED CHANGES.

AGAIN I REFER TO THE VERSES FROM THE BIBLE THAT I QUOTED EARLIER.

PROVE ALL THINGS AND HOLD TO THAT WHICH IS GOOD.
ABSTAIN FROM ALL APPEARANCE OF EVIL

IN KEEPING WITH MY USE OF THESE VERSES AS A GUIDE TO MY ACTIONS, I BELIEVE THAT IT WOULD BE WRONG FOR COUNCIL NOT TO CONSIDER THOSE CHANGES THAT SOME PROPERTY OWNERS HAVE REQUESTED FROM COUNCIL. AGAIN, AS STATED BY UPSTATE FOREVER ELECTED BODIES SHOULD DETERMINE WHERE TRADEOFF SHOULD BE MADE. MEMBERS OF THE PLANNING DEPARTMENT ARE IN AGREEMENT THAT THERE ARE SOME AREAS ON 81 THAT ARE SCHEDULED TO BE ZONED RESIDENTIAL THAT SHOULD BE ZONED COMMERCIAL. I BELIEVE THAT WE SHOULD CONSIDER THESE REQUESTS TONIGHT AS AMENDMENTS TO THE ZONING MAP TO BE PLACED ON THE HAMMOND PRECINCT

IN THE EVENT THAT THE MAP AND ORDINANCE PASSES AS SUBMITTED I BELIEVE THAT COUNCIL SHOULD MAKE EVERY EFFORT TO EXPEDITE THE APPEALS PROCESS FOR THESE PROPERTY OWNERS AND TO FORGIVE ANY FEES ASSOCIATED WITH THE APPEALS PROCESS FOR THIS ONE ZONING ORDINANCE FOR A PERIOD OF 45 DAYS.

I MOVE TO AMEND THE ZONING MAP FOR THE HAMMOND PRECINCT TO RECLASSIFY THE PROPERTY LOCATED ALONG HWY 81 FROM R-20 TO THE CLASSIFICATION SHOWN ON THE MAP PROVIDED BY MR. RICKETTSON FROM THE PLANNING DEPARTMENT.

